

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MICHAEL MILLER,</b>	:	<b>Civ. No. 1:24-CV-14</b>
	:	
<b>Plaintiff,</b>	:	<b>(Judge Wilson)</b>
	:	
<b>vs.</b>	:	<b>(Magistrate Judge Carlson)</b>
	:	
<b>LANCASTER COUNTY, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

This case involves challenges to a local election in Lancaster County brought by a Lancaster County resident against Lancaster County and the Pennsylvania Commonwealth Office of Open Records. (Doc. 1). On April 8, 2024, the case was referred to the undersigned and upon review of the docket we addressed a number of pending matters, including a motion to reopen default judgment which is currently the subject of a Report and Recommendation pending before the district court.

Apparently dissatisfied with the pace of this litigation, Mr. Miller has filed a spate of pleadings, including a motion which directs us to address the outstanding motions to dismiss in this case, (Doc. 39), as well as objections to our failure to act

upon his motion, (Doc. 44), and objections citing our decision to defer setting a case management schedule. (Doc. 45).

As for Miller's motion for an order, while the plaintiff filed this motion, his pleadings were unaccompanied by any brief. This failure to file a brief has consequences for the petitioner since we are entitled to deem the petitioner to have withdrawn a motion when he fails to properly support that motion by filing a brief in a timely fashion. See, e.g., Salkeld v. Tennis, 248 F. App'x 341 (3d Cir.2007) (affirming dismissal of motion under Local Rule 7.5); Booze v. Wetzel, 1:12-CV-1307, 2012 WL 6137561 (M.D. Pa. Nov. 16, 2012) report and recommendation adopted, 1:CV-12-1307, 2012 WL 6138315 (M.D. Pa. Dec. 11, 2012); Breslin v. Dickinson Twp., 1:09-CV-1396, 2011 WL 1577840 (M.D.Pa. Apr.26, 2011) Prinkey v. Tennis, No. 09-52, 2010 WL 4683757 (M.D.Pa. Nov.10, 2010) (dismissal under Local Rule 7.5); Griffin v. Lackawanna County Prison Board, No. 07-1683, 2008 WL 4533685 (M.D.Pa.Oct.6, 2008) (dismissal under Local Rule 7.6). Since the motion is not accompanied by a brief which would have explained the petitioner's entitlement to relief, as required by the local rules, the motion (Doc. 39) is DEEMED WITHDRAWN and DISMISSED without prejudice.

With respect to Mr. Miller's demand for a case management schedule, (Doc. 44), this request is GRANTED, in part, in that we advise all parties that we will adhere to the following schedule in this case:

First, we will await the district court's ruling on the pending Report and Recommendation. (Doc. 37).

Second, upon the resolution of this Report and Recommendation, we will prepare and file Reports and Recommendations addressing the pending motions to dismiss. (Docs. 8 and 16).

Third, upon resolution of these Reports and Recommendations by the district court, if necessary, we will direct the preparation of a case management plan by the parties and set a case management schedule.

So ordered this 9<sup>th</sup> day of May 2024.

Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge